

OBERMAYER REBMANN MAXWELL & HIPPEL LLP

By: Steven A. Haber, Esquire
1120 Route 73, Suite 420
Mount Laurel, NJ 08054-5108
(856) 795-3300
steven.haber@obermayer.com

BAKER BOTTS L.L.P.

James G. Kress (*pro hac vice forthcoming*)
Paul C. Cuomo (*pro hac vice forthcoming*)
Jana I. Seidl (*pro hac vice forthcoming*)
Dorothea R. Allocca (*pro hac vice forthcoming*)
700 K Street NW
Washington, DC 20001
(202) 639-7884
james.kress@bakerbotts.com

Attorneys for Defendant Safariland, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

*IN RE AXON VIEVU ANTITRUST
LITIGATION*

No. 3:23-cv-7182-RK-RLS

**DEFENDANT SAFARILAND'S
NOTICE OF MOTION TO
DISMISS CONSOLIDATED
AMENDED CLASS ACTION
COMPLAINT**

Electronically Filed

Oral Argument Requested

TO:

Michael D. Fitzgerald
LAW OFFICE OF MICHAEL D. FITZGERALD
1 Industrial Way West, Unit B
Eatontown, NJ 07724

Interim Liaison Counsel for Plaintiffs and the Proposed Class

Kellie Lerner
William V. Reiss (*pro hac vice*)
Jonathan Edelman (*pro hac vice*)
ROBINS KAPLAN LLP
1325 Avenue of the Americas, Suite 2601
New York, NY 10019

Heidi M. Sifton (*pro hac vice*)
Jessica N. Servais (*pro hac vice*)
Joseph C. Bourne (*pro hac vice*)
Eura Chang (*pro hac vice*)
LOCKRIDGE GRINDAL NAUEN P.L.L.P.
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401

Sharon K. Robertson
Christopher J. Bateman (*pro hac vice* pending)
Jared A. Dummitt (*pro hac vice* pending)
COHEN MILSTEIN SELLERS & TOLL PLLC
88 Pine Street, 14th Floor
New York, NY 10005

Daniel H. Silverman (*pro hac vice* pending)
COHEN MILSTEIN SELLERS & TOLL PLLC
769 Centre Street | Suite 207
Boston, MA 02130

Interim Co-Lead Counsel for Plaintiffs and the Proposed Class

William G. Caldes
John A. Macoretta
Diana J. Zinser (*pro hac vice forthcoming*)
SPECTOR ROSEMAN & KODROFF, P.C.
2001 Market Street, Suite 3420
Philadelphia, PA 19103

Michael S. Smith (*pro hac vice*)
Michael D. Hanify (*pro hac vice*)
PRETI, FLAHERTY, BELIVEAU & PACHIOS, LLP
One City Center, P.O. Box 9546
Portland, ME 04112-9546

Counsel for Plaintiff City of Augusta, Kennebec County, Maine

Pamela B. Petersen
Gayathiri Shanmuganatha
AXON ENTERPRISE, INC.
17800 N. 85th Street
Scottsdale, Arizona 85255

Liza M. Walsh
Katelyn O'Reilly
Eric S. Padilla
WALSH PIZZI O'REILLY FALANGA LLP
Three Gateway Center
100 Mulberry Street, 15th Floor
Newark, New Jersey 07102

Julia E. McEvoy (*pro hac vice*)
Aaron M. Healey (*pro hac vice*)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, DC 20001.2113

Attorneys for Defendant Axon Enterprise, Inc.

PLEASE TAKE NOTICE that on May 20, 2024, at 9:00 a.m., or as soon thereafter as counsel may be heard, the undersigned, attorneys for Safariland, LLC, will move before the Honorable Robert Kirsch, United States District Judge, U.S. District Court, District of New Jersey, Trenton, New Jersey for an Order Dismissing the Plaintiffs' Consolidated Amended Class Action Complaint, pursuant to Fed. R. Civ. P. 12(b)(6); and

PLEASE TAKE FURTHER NOTICE that in support of the within motion, Defendant shall rely upon the Memorandum of Law, Declaration of Steven A. Haber, accompanying exhibits submitted herewith, and any further reply submissions;

PLEASE TAKE FURTHER NOTICE that oral argument is requested if timely opposition is filed; and

PLEASE TAKE FURTHER NOTICE that at that time and place aforesaid, Defendant will request that the proposed form of Order submitted herewith be entered by the Court.

Dated: February 5, 2024

**OBERMAYER REBMANN
MAXWELL & HIPPEL LLP**

/s/ Steven A. Haber

Steven A. Haber, Esquire
1120 Route 73, Suite 420
Mount Laurel, NJ 08054-5108
(856) 795-3300
steven.haber@obermayer.com

BAKER BOTTS L.L.P.

James G. Kress (*pro hac vice
forthcoming*)

Paul C. Cuomo (*Pro (pro hac vice
forthcoming)*)

Jana I. Seidl (*pro hac vice forthcoming*)

Dorothea R. Allocca (*pro hac vice
forthcoming*)

700 K Street NW

Washington, DC 20001

(202) 639-7884

james.kress@bakerbotts.com

paul.cuomo@bakerbotts.com

jana.seidl@bakerbotts.com

dodi.allocca@bakerbotts.com

Attorneys for Defendant Safariland, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that pursuant to the Court's Order (ECF No. 52), a copy of the Notice of Motion to Dismiss and accompanying documents were served upon all Counsel of Record via e-mail on the 5th day of February 2024.

/s/ Steven A. Haber
Steven A. Haber, Esq

OBERMAYER REBMANN MAXWELL & HIPPEL LLP

By: Steven A. Haber, Esquire
1120 Route 73, Suite 420
Mount Laurel, NJ 08054-5108
(856) 795-3300
steven.haber@obermayer.com

BAKER BOTTS L.L.P.

James G. Kress (*pro hac vice forthcoming*)
Paul C. Cuomo (*pro hac vice forthcoming*)
Jana I. Seidl (*pro hac vice forthcoming*)
Dorothea R. Allocca (*pro hac vice forthcoming*)
700 K Street NW
Washington, DC 20001
(202) 639-7884
james.kress@bakerbotts.com

Attorneys for Defendant Safariland, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

*IN RE AXON VIEVU ANTITRUST
LITIGATION*

No. 3:23-cv-7182-RK-RLS

PROPOSED ORDER

THIS MATTER having been opened to the Court by OBERMAYER REBMANN MAXWELL & HIPPEL LLP and BAKER BOTTS, L.L.P., attorneys for Defendant Safariland, LLC, for an Order Dismissing Plaintiffs' Consolidated Amended Class Action Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6); and the Court having reviewed Defendant's submission; and the Court having reviewed any opposition filed; and the Court having heard oral argument; and for good cause being shown;

IT IS ON THIS ____ DAY OF _____ 2024,

ORDERED that Defendant's Motion to Dismiss Plaintiffs' Consolidated Amended Class Action Complaint is hereby granted; and it is further

ORDERED that Counts 1, 2, 5, and 8 against Safariland, LLC are hereby dismissed with prejudice in their entirety; and it is further

ORDERED that a copy of this Order shall be served upon all parties within 5 days of the date hereof.

HON. ROBERT KIRSCH, U.S.D.J.